

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/17/20

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KIM NGUYEN,

Plaintiff,

- against -

CHASE BANK, N.A.,

Defendant(s).

: 19 Civ. 10609 (VM)

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:
CONDITIONAL
ORDER OF DISCONTINUANCE
WITHOUT PREJUDICE

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VICTOR MARRERO, United States District Judge.

Counsel for defendant, on behalf of the parties, having notified the Court, by letter dated January 17, 2020, a copy of which is attached, that the parties have reached an agreement in principle to resolve this action without further litigation, and do not object to the issuance of this Order, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten

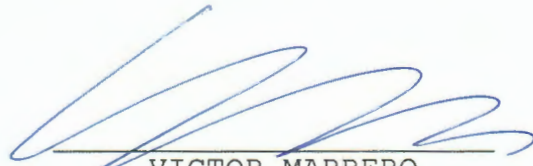
days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to terminate any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
17 January 2020_



VICTOR MARRERO
U.S.D.J.

Sills Cummis & Gross

A Professional Corporation
101 Park Avenue, 28th Floor
New York, New York 10178
Tel. No: (212) 643-7000
Fax No: (212) 643-6500

The Legal Center
One Riverfront Plaza
Newark, NJ 07102
Tel. No: (973) 643-7000
Fax No: (973) 643-6500

Tyler J. Kandel
Member
Admitted In NY, NJ
Direct Dial: (212) 500-1512
E-Mail: tkandel@sillscummis.com

100 Overlook Center
2nd Floor
Princeton, NJ 08540
Tel. No: (609) 227-4600
Fax No: (609) 227-4646

January 17, 2020

BY FAX

Attn: Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street, Suite 1610
New York, New York 10007
F: (212) 805-6382

Re: *Kim Nguyen vs. Chase Bank, N.A.*
Case No: 1:19-cv-10609-VM

Dear Judge Marrero:

We represent defendant, JPMorgan Chase Bank, N.A., in the above-referenced action. Please be advised that the parties have reached a settlement, in principle. We anticipate filing a stipulation of discontinuance within the next week. Therefore, we respectfully request an adjournment of the deadline to file the Parties' Joint Letter to the Court, currently due January 17, 2020, as well as an adjournment of the Initial Case Management Conference scheduled before Your Honor on January 24, 2020. This is the second request for an adjournment and counsel for Plaintiff has consented to this request. A copy of this letter is being simultaneously emailed to counsel for the Plaintiff.

Should the Court have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/ Tyler J. Kandel
Tyler J. Kandel

cc: Denis P. McAllister, Esq. (via email)